

IN THE UNITED STATES PATENT OFFICE

IN RE APPLICATION OF:)
HARRY J. LAST)
SERIAL NO.: 09/829,802)
FILED: APRIL 10, 2001) GROUP ART UNIT NO. 3751
TITLE: CABLE OPERATED POOL)
COVER SYSTEM USING)
BUOYANT-SLAT POOL COVERS)
EXAMINER: CHARLES E. PHILLIPS)
PETITION EXAMINER: JOHN GILLON)

SUPPLEMENT TO PETITION TO REVIVE AN ABANDONED PATENT APPLICATION

Mail Stop - Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Attention: Examiner John Gillon, Esq., Petitions Office

Sir:

The applicant in the above-identified U.S. patent application is hereby supplementing its original Petition to Revive an Abandoned Patent Application dated March 24, 2003. In a telephone communication from Examiner John Gillon, on March 24, 2005, Mr. Gillon advised that evidence in the form of docket sheets was required to support the original petition along with an explanation as to how documents having due dates are docketed and how this office mails responses to such documents on a timely basis.

In terms of history, an Amendment A was mailed to the U.S. Patent and Trademark Office on March 11, 2002, along with a request for a one-month extension of time. A supplemental Amendment B, also in response to that Office Action, was mailed to the U.S. Patent and Trademark Office on March 14, 2003. There was a Notice of Nonresponsive Amendment mailed by the U.S. Patent and Trademark Office, but which was not received in the office of the undersigned attorney. The application then became abandoned and this gave rise to the Petition to Revive an Abandoned Patent Application.

The applicant is herewith submitting a supplement to that original petition and which supplement contains a supplemental Declaration of Liliana Cancino and a supplemental Declaration of Robert J. Schaap. Moreover, accompanying these declarations are copies of docket sheets which are hereinafter described in more detail.

The Declaration of Liliana Cancino, in particular, sets forth the docketing procedure and how this office of the undersigned attorney ensures that documents having due dates are mailed to the U.S. Patent Office or the U.S. Trademark Office. In substance, and as the Declaration of Liliana Cancino will show, when a document is first received in this office, it is retrieved by Ms. Cancino from the mail room of the building in which this office is located and then docketed in her docket book and now electronically docketed as well. Thereafter, the office action is also docketed in the book of a secretary in this office, namely Ms. Dorothy Lunche. However,

at the time of this Office Action, the secretary in this office was then Ms. Pauline Barraza, who is now affiliated with another law firm in the Los Angeles area.

In any event, after Ms. Cancino makes a docket entry in her docket book, the matter is given to the secretary of this office, and in that case, it would have been given to Ms. Barraza, who would then make an entry in her docket book. The matter is then given to Robert J. Schaap. When a document in response to an Office Action is mailed to the U.S. Patent Office or U.S. Trademark Office, Ms. Cancino is responsible for ensuring that the mail is properly addressed and with postage applied through a postage meter. She thereupon makes a redline entry through the docket sheet in her docket book. Periodically, Robert J. Schaap will review these docket books to ensure that all matters are timely handled. In addition, Ms. Cancino also maintains an electronic docket. That electronic docket was actually started in the year 2003, and therefore, an electronic docket was not maintained in the year 2002.

Inasmuch as there was no entry for a Notice to Respond to a Nonresponsive Amendment entered in any docket book, it is apparent that none was received. If it had been received, an entry would have appeared in each of the hand-kept docket books.

It is also noteworthy that the Notice of Nonresponsive Amendment only requested clarification on a minor point. Clearly, it would have been an easy and simple matter for the applicant's undersigned attorney to respond to that Notice of Nonresponsive Amendment had the latter been received. For this reason alone, it is urged that if the Notice of Nonresponsive Amendment were received, a response thereto would have been timely filed in the U.S. Patent and Trademark Office. Failure to file that response to the Notice of Nonresponsive Amendment would, therefore, again suggest that the applicant's undersigned attorney did not receive same.


The applicant has already expressed his interest in this application and had no intention, whatsoever, of ever abandoning this patent application. In addition, the applicant has even authorized further foreign filing with respect to this application. Therefore, there was no intent, whatsoever, on the part of the applicant or the applicant's undersigned attorney to abandon this particular patent application.

No declaration for Pauline Barraza is attached hereto since Ms. Barraza is no longer affiliated with the office of the undersigned attorney and no communication with Ms. Barraza has taken place for some substantial period of time, probably since the time of about her termination with this office.

Based on the foregoing, the applicant respectfully requests revival of the above-identified patent application.

Dated: March 28, 2005

Respectfully submitted,

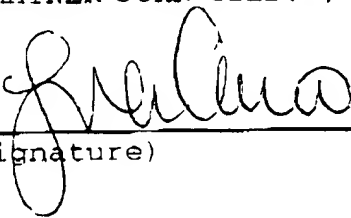


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP - PETITIONS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450; ATTENTION, EXAMINER JOHN GILLON, ESQ., PETITIONS OFFICE on 3-28, 2005.


(Signature)

Date of Signature: 3-28, 2005

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FAX TRANSMISSION

TO: ~~EXAMINER~~ JOHN GILLOW, ESQ. FAX NO.: (703) 872-9305
 MAIL STOP
 U.S. PATENT OFFICE

FROM: Robert J. Schaap, Esq. DATE: March 28, 2005

SUBJECT: Petition to Revoke U.S. Utility Patent Application for
 Cable Operated Pool Cover System Using Buoyant-Slot
 Pool Covers. Serial No. 09/829,802

DOCUMENT: 1) Docket sheets for May and June 2002 (four pages);
 2) Supplement to Petition to Revoke Abandoned Patent
 Application; and
 3) Declarations of Robert J. Schaap and Lillian Canino
 in Support thereof.

PAGES (INCLUDING COVER SHEET):

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TO: EXAMINER JOHN GILLON, ESQ. FAX No.: (571) 273-0025
PETITIONS OFFICE
U.S. PATENT OFFICE

FROM: Robert J. Schaap, Esq. DATE: March 28, 2005

SUBJECT: Petition to Revive U.S. Utility Patent Application for
Cable Operated Pool Cover System Using Buoyant-Slat
Pool Covers, Serial No. 09/829,802

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4) Main IFW Receipt.

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TO: EXAMINER JOHN GILLON, ESQ. FAX NO.: (703) 872-9306
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FROM: Robert J. Schaap, Esq. **DATE:** March 28, 2005

SUBJECT: Petition to Revive U.S. Utility Patent Application for
Cable Operated Pool Cover System Using Buoyant-Slat
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